

ESTTA Tracking number: **ESTTA172877**

Filing date: **11/05/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Soho Publishing Company
Granted to Date of previous extension	11/04/2007
Address	233 Spring Street New York, NY 10013 UNITED STATES

Attorney information	Jason M. Krellenstein Jason M. Krellenstein, PLLC PO Box 422 South Salem, NY 10590 UNITED STATES jmkrell@gmail.com Phone:914 763 6323
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Applicant Information

Application No	78706527	Publication date	05/08/2007
Opposition Filing Date	11/05/2007	Opposition Period Ends	11/04/2007
Applicant	Carolee's Creations & Company, L.L.C. 1300 West 5000 North Smithfield, UT 84335 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 2005/10/01 First Use In Commerce: 2005/10/24 Opposed goods and services in the class: magazines
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Grounds for Opposition

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	The application is void ab initio because Applicant is not using the mark in interstate commerce on all of the goods listed in the application, as averred in the Amendment to Allege Use filed by Applicant.

Attachments	Opposition.pdf (2 pages)(67704 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jason krellenstein/
Name	Jason M. Krellenstein
Date	11/05/2007

the Amendment to Allege Use to the effect that the Opposed Mark was in use on all of the goods listed in the Opposed Application since at least October 24, 2005 was false. Further, such statement is material to the Opposed Application.

6. For the foregoing reason, Applicant is not entitled to registration of the Opposed Mark.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark Adornit be denied in all respects.

Dated: November 5, 2007

Respectfully,

Jason M. Krellenstein

Jason M. Krellenstein
Attorney for Opposer